



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,361	04/09/2001	Hitoshi Kawamukai	YAMAP0572USA	1248

7590 04/03/2006

Mark D. Saralino
RENNER, OTTO, BOISSELLE & SKLAR, P.L.L.
Nineteenth Floor
1621 Euclid Avenue
Cleveland, OH 44115-2191

EXAMINER

HAILU, TADESSE

ART UNIT PAPER NUMBER

2173

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/829,361		KAWAMUKAI ET AL.	
	Examiner		Art Unit	
	Tadesse Hailu		2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment submitted with filing of RCE on December 30, 2005.

Status of the claims

2. The only pending claim 6 is examined herein as follows.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter.

The body of claim 6 recites, "menu item coordinate information for representing a display location of a menu item". The "for" clause above is an inherent characteristic or property of a "menu item coordinate information", that is for representing a display location of a menu item, it does not exhibit any functionality other than repeating the inherent characteristic of the menu item coordinate information. It is a mere description of "menu item coordinate information".

The body of claim 6 also recites "image information for representing an image". The "for" clause above is an inherent characteristic or property of an "image information", it is nothing more than a mere description of an "image information".

The body of claim 6 also recites “valid duration information for representing the duration for which the menu item coordinate information is valid”. Again, The “for” clause above is an inherent characteristic or property of a “valid duration information” it is nothing more than a mere description of “valid duration information” it adds nothing to “valid duration information” other than repeating what the valid duration inherently describes.

The body of claim 6 also recites a wherein clause reciting a process claim limitations “inserted” as in “ the menu item coordinate information and valid duration information is inserted in the transport stream data at predetermined time periods”. The wherein clause of claim 6 further recites another process limitation, “associated”, as in “ a particular data of the multi-angle data is associated with a particular menu item.” Since the claim is drawn to a particular “recording medium”, the claim should identify the hardware and/or software components of the claimed “recording medium”. The wherein clause further recites, “ The transport stream data further comprises multi angle data”. The limitation does not exhibit any functional description.

Response to Arguments

4. Applicant's arguments filed 12/30/05 have been fully considered. The argument regarding the U.S. 101 is not persuasive. The Applicant describes that “ claim 6 recites how each particular menu item data included in the transport stream data is functionally interrelated to the multi-angle data by way of being associated with a particular data of the multi-angle data” and argues and request the withdrawal of the U.S. 101 rejection.

Art Unit: 2173

The examiner disagrees because as given explanation above in the rejection of the claim, the rejection still stands.

Allowable Subject Matter

5. Claim 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action. The prior art of records fails to teach the combinations of claimed elements of the current invention.

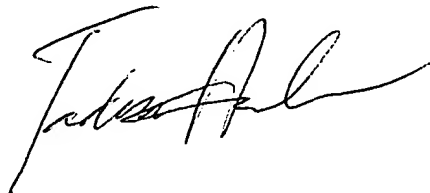
Conclusion

6. To facilitate the prosecution of the above-identified application, especially to discuss the U.S. 101 rejection, on March 28 and 29, 2006, the Examiner made a telephone call to the Applicant, but was not successful.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu
Patent Examiner in Art Unit 2173
3/30/06

A handwritten signature in black ink, appearing to read 'Tadesse Hailu', is written over the typed name and title.